

EXPERT REPORT

BY

BILLY R. CLAY MS, DVM, DABVT

FOR

The Defendants in the:

STATE OF OKLAHOMA, ex rel, W. A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA, and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff

VS.

TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC., COBB-VANTRESS, INC., CAL-MAINE FOODS, INC. CAL-MAINE FARMS, INC., CARGILL, INC., CARGILL TURKEY PRODUCTION, LLC, GEORGE'S, INC., GEORGE'S FARMS, INC., PETERSON FARMS, INC., SIMMONS FOODS, INC. AND WILLOWBROOK FOODS, INC.,

Defendants

**CASE NO. 05-CV-0329 GKF-SAJ.
IN THE U.S. DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA**

November 29, 2008



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Appendix J

WILDLIFE KNOWN TO EXIST WITHIN OR VISIT THE IRW

WILDLIFE KNOWN TO EXIST WITHIN OR VISIT THE ILLINOIS RIVER WATERSHED

Sources: Arkansas Game and Fish Commission
 Oklahoma Department of Wildlife Conservation
 Wedington Wildlife Management Area
 White Rock Wildlife Management Area
 Cherokee Wildlife Management Area
 Cookson Wildlife Management Area
 Tenkiller Wildlife Management Area
 Sparrow Hawk Wildlife Management Area
 Sequoyah National Wildlife Refuge
 The Audubon Society Field Guide to North American Birds
 Cornell Lab of Ornithology-Guide to Birds
 Virginia Depart.of Environmental Quality—Fecal Coliforms for TMDL

Fecal Coliform Estimates/Head/Day X 10⁶ CFU
 (Based on Body Weight Comparators within Class)

Water or Marsh Birds (No. of species)		Forrest and/or Meadow Birds	
Geese (3)	799	Crow	200
Ducks (15)	2,430	Hawks (3)	240
Heron (2)	850	GH Owl	560
Cormorant	850	Barred Owl	320
Bald Eagle	1,600	BW Quail	70
Grebe	480	Pileated Woodpecker	80
Merganser	2,430	Screech owl	80
Coot	1,700	Grackle	50
Egret	180	Killdeer	40
Bittern	180	Meadow Lark	40
Marsh Hawk	240	Jay	35
Vulture	640	Night Hawk	30
Gallinule	130	Hairy Woodpecker	30
Rail	130	Redbellied Woodp.	30
Kingfisher	70	Starling	30
Snipe	65	Robin	27
Woodcock	80	Whip-poor-will	22
Bank Swallow	20	Mockingbird	20
Red-winged B	20	Blackbilled Cuckoo	20
SP Plover	17	Eastern Kingbird	18
Water Thrush	8	Loggerheaded Shrike	17
Swamp Spar.	8	Veery Thrush	15
Will. Flycatcher	5	Scissortail FC	15
Alder FC	5	Cowbird	15
Marsh Wren	5	Cardinal	15

Mammals, Reptiles and Amphibians

Elk	12,000
WT Deer	347
Raccoon	113
Armadillo	80
Coyote	990
Foxes (2)	500
Bobcat	450
Raccoon	113
Skunks (2)	80
Opossum	80
Mink	60
Musk Rat	25
River Otter	25
Rabbit (2)	20
Squirrel (2)	5
Rodents (?)	5
Turtles (?)	?
Tortoises	?
Snakes (?)	?
Frogs (?)	?
Tree Frogs (?)	?
Lizards (?)	?
Skinks (?)	?

Forrest and Meadow Birds Cont.

Grosbeak	15
Towhee	15
Bobolink	15
Thrushes (3)	15
Eastern Bluebird	10
Sparrows (6)	10
Hermit Thrush	10
Downy Woodpecker	10
Junco	8
Grasshopper Sparrow	7
Tufted Titmouse	7
Eastern Phoebe	7
Field Sparrow	5
Goldfinches	5
Buntings (2)	5
YB Flycatcher	5
Warbling Vireo	5
Eastern Pewee	5
Least Flycatcher	5
Warblers (4)	3
Chickadee	3
American Redstart	3
Kinglet	3
Hummingbirds (2)	2
Wild Turkey	93
Pigeon	70
Mourning Dove	40